

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

AARON D. YOUNKER,

Plaintiff,

v.

PAUL BERRY,

Defendant.

Case No. 2:13-cv-1127

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court for consideration of the Magistrate Judge's December 10, 2013 Report and Recommendation. (ECF No. 4.) In that filing, the Magistrate Judge conducted an initial screen of Plaintiff's Complaint as required by 28 U.S.C. § 1915(e)(2) and recommended that the Court dismiss this action for failure to state a claim upon which relief can be granted. The Magistrate Judge further recommended that, to the extent Plaintiff intended to assert a state-law medical malpractice claim, the Court dismiss any such claim without prejudice to Plaintiff asserting such a claim in state court.

The Report and Recommendation advised Plaintiff that the failure to object within fourteen days would "result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (ECF No. 4, at Page ID # 29.) Plaintiff did not object to the Report and Recommendation.

The Court has reviewed the Order and Report and Recommendation. Noting that no objections have been filed, that the time for filing such objections has expired, and that the Magistrate Judge's reasoning is correct, the Court **ADOPTS** the Report and Recommendation (ECF No. 4) and **DISMISSES** this action pursuant to 28 U.S.C. § 1915(e)(2). To the extent Plaintiff intended to assert a state-law medical malpractice claim, the Court **DISMISSES** any

such claim without prejudice to Plaintiff asserting such a claim in state court. The Clerk shall enter judgment accordingly and terminate this case on the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE